

## A Good Investment

FOR ALL.

## Blown Tumblers

PLAIN AND ENGRAVED.

Your choice in quantities to suit at

**50 cts**  
**Per Dozen.**

This is an opportunity for you to stock up on a necessary article. The regular prices of these tumblers are from 75 cents to 90 cents per dozen. See them piled up in our Ewa window.

**W. W. DIMOND**  
& CO., LIMITED

IMPORTERS OF  
Crockery, Glass, Lamps, House Furnishing Goods.

J. HOPP &amp; CO.

The best at the lowest  
Price at HOPP'S.

## Every House-Keeper

Should improve the opportunity now offered by us to secure handsome

## RUGS

At way-down prices. These goods are odd size, and EXTRA VALUE FOR MONEY ASKED.

We advertised these rugs once before for a WEEK ONLY, and the demand showed conclusively that the rugs were bargains.

Old furniture looks like a bright May Day after leaving our repair shop.

**J. HOPP & CO.**

Leading Furniture Dealers.

KING AND BETHEL STS

J. HOPP &amp; CO.

## A ONE-SIDE ARGUMENT

(Continued from Page 1.)

was handed him. This is proved by his letter to President McKinley, as follows:

"Executive Chamber,  
Honolulu, H. I., Dec. 28, 1899.  
"Mr. President: Yesterday I received Mr. Judd's resignation as Chief Justice of the Supreme Court of the Hawaiian Islands.

"While in the cases of other vacancies in official positions of this government I have followed the practice of making appointments subject to your authority, I have preferred in this matter, considering the importance of the position and the prospect of an early substitution of a new form of government for our present system, to refer the matter to you for your instructions in case you should desire to give any.

"Judge Judd has been incapacitated by illness from attending to his official duties for a good part of a year and has resigned, as I understand, because of that alone. His absence from judicial work has, to some extent, been an inconvenience to proceedings in the Supreme Court.

"It is desirable that the place be filled without unnecessary delay.

"I have not accepted his resignation as yet, as that would embarrass the status of the Court, there being legal provision for temporarily filling the place of an absent justice, but none providing for an absolute vacancy, except by permanent appointment.

"Judge Judd's address at present is Clifton Springs, New York.

"I am, Mr. President, most respectfully yours,

"SANFORD B. DOLE.

"To the President of the United States, Washington."

While Magoon and Long are the attorneys for Bush and others, the plaintiffs in the particular case on trial, other lawyers were invited to speak yesterday by the Court.

Attorney George D. Gear attacked the affidavit of the Chief Justice's son, and said: "The resignation speaks for itself and any effort to contradict it would be as incompetent in this Court or any court of law. Here especially it is inadmissible in that it seeks to place before this Court evidence as to what was in certain letters. If there have been letters of that kind written the letters are the best evidence. The affidavit seeks to state his father's intentions, which cannot be set forth in the way he has attempted. That 'it was his understanding of the law that his resignation would take effect only upon the appointment of his successor, that he so intended it and that words to that effect would be merely superfluous.' I object to all that part of the affidavit. Also to the part of the affidavit which speaks about 'instructions given me by my father since he wrote his letter of resignation' and 'reiterated in a letter written by his direct son; that on the occasion of the writing of his letter of resignation I drafted a letter for him which specified that his resignation was to take effect upon the appointment of his successor.' I ask that that letter be produced in evidence and that that part of the affidavit be not received by this Court on the ground that if there is any such letter it should be produced. I object to the further statement in here that he has not received from his father 'any intimation that his resignation was intended to take effect or that he desired that it should take effect except upon the appointment of his successor,' as inconsistent with the facts as heretofore set forth. I also object generally on the ground that it is irrelevant, incompetent and immaterial, on the ground that it is hearsay and that it is not the best evidence and on the grounds before stated. Also on the ground that it directly contradicts his resignation, which the Court must construe by the terms of the resignation itself. It cannot be contradicted by parole testimony."

Attorney A. S. Humphreys coincided with Attorney Gear, and the Court said that the best course would be to have the affidavits filed and received, subject to the objections as to how far the evidence was relevant. The affidavit of the Auditor General was then filed, when Gear resumed: "I make the formal objection to this affidavit that it is incompetent, irrelevant and immaterial. The question of whether he drew his salary or not is immaterial and it cannot affect his resignation. And, further, that at the time he was supposed to have given his power of attorney he was not competent to give it, having been incapacitated by serious illness."

Humphreys said: "I desire, in order that I may get my contentions before the Court, to state on behalf of my clients that I shall contend that there is an absolute resignation without reference to its acceptance. I shall contend further that there has been an abandonment of the office, and I shall contend furthermore that the office is vacant by reason of the insanity of the Chief Justice, as provided in Article 44 of the Constitution; which insanity we will offer evidence on. I shall further contend that that power of attorney is absolutely void, having been given by an insane man; and if he was not insane when it was given, it has become void, as he has since become insane, which fact absolutely revokes it, and those payments are absolutely illegal."

Attorney Magoon said that he did not attack the position of the Chief Justice on the ground of incapacity. He would not consent to such an attack as far as his client was concerned. He would withdraw his objection to the makeup of the Court if this point was pressed. He was content to reply on the sole argument of the effectiveness of the resignation. Magoon quotes paragraph 2 of section 1 of Article 90 of the Constitution, which provides that impeachment of the Chief Justice for incapacity, among other things, shall be done by the House of Representatives.

Humphreys said that he had no intention to "attack the Chief Justice. There was no impropriety in recognizing the fact that the hand of God had been laid on the former high magistrate."

Justice Frear asked for discussion on the preliminary question of the competence of the documentary evidence offered, beside the resignation. Attorney General Cooper said that the Government which he represented was satisfied with the composition of the Court. Gear wanted to be informed as to what position he and Humphreys stood in. They claimed the right to object on the ground of the Chief Justice's incapacity. Even if the resignation were not effective, they held the Chief Justice had abandoned his office.

Magoon said "I do not consider it necessary to inquire whether the Chief Justice abandoned his office. I would consider the decisions of this Court valid if it could be shown that the Chief Justice has not resigned. I am therefore opposed to any attempt at establishing the fact of the Chief Justice's incapacity."

Gear said he would let the point go in this case and bring it up again in one of his own cases. The Court might in the meanwhile render a decision in the matter of the resignation. Justice Frear consulted with his colleagues and announced that the Court thought it best to consider the case on the grounds raised by counsel in the case of Bush and others.

Attorney Long, associated with Magoon as counsel for Bush, then began his argument for his clients. He took up first the documentary evidence as to the legality of the Court, and said: "Did the endorsement by President Dole vacate the office of Chief Justice? Was there anything left to do or be performed to make the resignation complete? No. Parole evidence to qualify a plain, simple and unqualified resignation would be without authority and without parallel. If anybody were able to write his full intentions in a resignation it ought to be the Chief Justice, who was a man experienced not merely in ordinary business but the administration of law."

Long said that he would anticipate his adversaries—if there were any—by quoting a decision from 8 Hawaiian in the case of The Queen against John Costa and Anna Costa.

"This was written by Chief Justice Judd and joined in by Justices S. B. Dole and K. F. Bickerton. The question was the validity of indictments presented by W. A. Whiting, commissioned as Deputy Attorney General by Attorney General Creighton after the Cabinet to which the latter belonged had resigned under a vote of want of confidence by the Legislature. The resignations were dated December 1, but the new Cabinet of Queen Liliuokalani only took office on December 8, 1892. The decision upheld the theory that the machinery of government could not be allowed to stop, and in that case the acts of the Attorney General were held valid between his resignation and the appointment of his successor. Yet the Court intimated that the acceptance of a resignation was not essential to its completeness. It only went so far on the other side as to say that it was the duty of the sovereign to appoint her Ministers as soon as possible."

Long said that the present case had not the same basis as that quoted in 8 Hawaiian. "There would be much inconvenience from an interregnum of the Supreme Court lasting a few months, but it would not put a stop to the machinery of the Government in general." He argued for many minutes in this strain. Attorney General Cooper kept out of sight much of the time. When he did drop into Court it was with languid eye and ear. His conduct was in keeping with his declarations that the Government declined to meet the objections of the counsel. Judge Whiting toward the close of the session called him sharply to task. The Associate Chief Justice wanted to know the Government's views, and was apparently much astonished by the people's attorney's inaction. "You are for the defense in this case," said Justice Whiting, "and should answer."

Cooper looked blank and answered lamely that he was willing to submit to the Court's finding. "As a friend of the Court," said the Attorney General, "we are willing to be shut out and let the Court decide. The Republic is satisfied to take the Court as now constituted. If our Department can be of service in this case, though, we are willing to aid, but will need time. The opposing counsel have presented a very strong case."

Cooper's attitude was not relished by the Bench. It is probable that it will be strongly hinted to him that he must work a trifle for the Government's side, and forget his own longings. The bar wonders at his inattention and winks its eye. Today there will be further argument.

An Honest Medicine for La Grippe. George W. Walt, of South Gardiner, Me., says: "I have had the worst cough, cold, chills and grip and have taken lots of trash of no account but profit to the vendor. Chamberlain's Cough Remedy is the only thing that has done any good whatever. I have used one bottle of it and the chill, cold and grip have all left me. I congratulate the manufacturers of an honest medicine." For sale by Benson, Smith & Co., Ltd., wholesale agents.

Auction sale of delinquent McBry sugar stock. See Morgan's column.

Great Reduction Sale

Hats

Fancy Goods.

T. Murata,

THE HATTER.

118 Nuuanu. Tel. 814.

P. O. box 865.

## Pacific Import Co.

(INCORPORATED.)

PROGRESS BLOCK.

FORT STREET.

## SPECIAL Dress Linen Sale.

We have placed on sale a large invoice of BROWN DRESS LINEN imported direct from the Loom of Belfast. The prices we put on all the grades we know cannot be duplicated again, and we therefore call your attention to take advantage of this sale.

We guarantee the goods to be PURE LINEN, 36 inches wide.

On sale at a great reduction 250 pieces VICTORIA LAWN, regular \$1 quality, now on sale at 75 cents a piece, 40 inches wide.

25 Pieces BROWN DRESS LINEN (special) at .....40c

25 pieces BROWN DRESS LINEN (special) at .....25c

25 Pieces BROWN DRESS LINEN (special) at .....35c

**S. EHRLICH**  
MANAGER.

## BAILEY'S BIKE ITS.

P. O. Box 441.  
'Phone 398.

## I have received another shipment of STEARNS' BICYCLES FOR 1900,

And they are beauties. Only a few came. The San Francisco office of the American Bicycle Company informs me that the demand is so great for 1900 STEARNS that 250 Bicycles, or one car per week, is insufficient to supply the demand.

Call and see the 1900 Stearns!

## Milwaukee Puncture Proof Tires

In a few odd sizes, notably 30 in. and 28x1 1/2 in. Since January 1st I have sold about 200 of these Tires, and I am short of all common sizes. However, I have 100, 110 and 80 sets of these POPULAR TIRES in transit, to arrive any day.

A Large Invoice of the Celebrated

## Morgan & Wright Hack Tires

Also arrived, and are the First Goods of that class to be offered direct from maker to consumer through Morgan & Wright's direct wholesale and retail agent.

**Bailey's Honolulu Cyclery,**  
KING STREET.